

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

GABRIEL ANTONIO CARCAMO,

Plaintiff,

v.

SAN FRANCISCO SHERIFF'S OFFICE, et
al.,

Defendants.

Case No. [20-cv-04727-JST](#)

ORDER OF DISMISSAL

Plaintiff filed the instant *pro se* complaint under 42 U.S.C. § 1983. ECF No. 1. On November 30, 2020, the Court dismissed the complaint with leave to amend because the complaint failed to identify a proper defendant and failed to explain why the steps taken to address Plaintiff's back pain were unreasonable. ECF No. 11. On December 28, 2020, Plaintiff filed an amended complaint. ECF No. 12. On June 2, 2021, the Court dismissed the amended complaint with leave to amend because the amended complaint did not state a cognizable Section 1983 claim against any of the named defendants and because the amended complaint only alleged a difference of opinion between Plaintiff and the prison doctors as to proper medical treatment for his back and failed to allege facts that the treatment provided put Plaintiff at substantial risk of serious harm, thereby failing to state a cognizable Eighth Amendment or Fourteenth Amendment claim. The Court granted Plaintiff leave to amend to address these deficiencies, and instructed Plaintiff as to how to correct the identified deficiencies. ECF No. 13. The Court informed Plaintiff that the failure to file a second amended complaint by July 30, 2021 would result in the dismissal of this action without further notice. *Id.* The deadline to file a second amended complaint has passed, and Plaintiff has neither filed a second amended complaint nor otherwise communicated with the Court.

1 Accordingly, for the foregoing reasons and for the reasons stated in the Court's June 2,
2 2021 order of dismissal with leave to amend, this action is DISMISSED. The dismissal is without
3 prejudice to filing a motion to reopen accompanied by a proposed second amended complaint that
4 addresses the deficiencies identified in the Court's June 2, 2021 Order and showing good cause for
5 the failure to timely file a second amended complaint. The Clerk shall close the file.

6 **IT IS SO ORDERED.**

7 Dated: October 19, 2021

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9 JON S. TIGAR
United States District Judge

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